

**Agenda for  
City Council Members' "NOON" Meeting  
Monday, November 13, 2000  
Immediately Following Director's Meeting  
Conference Room 113**

**I. MINUTES**

1. Director's Minutes for November 6, 2000.
2. Minutes of "Noon" Council Members' Meeting for November 6, 2000.
3. Pre-Council Meeting Minutes - Executive Session - RE: Security and Investigative Proceeding of Criminal Misconduct - October 9, 2000.
4. Pre-Council Meeting Minutes - Executive Session - RE: Litigation Matter (Stinson v. City) - October 9, 2000.
5. Pre-Council Meeting Minutes - Executive Session - RE: Cable TV Franchise Negotiations - November 6, 2000.
6. Pre-Council Meeting Minutes - RE: LES Budget Presentation - November 6, 2000.

**II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES**

1. Parks & Recreation Advisory Board Meeting (Cook)
2. Entryway Corridor Design Committee - Phase 4 (Fortenberry)
3. Lincoln Partnership for Economic Development Meeting (Fortenberry/Shoecraft)
4. ISPC Meeting (Fortenberry)
5. Duplex Licensing Task Force Meeting (Johnson/McRoy)
6. Board of Health (Johnson)
7. Officials Committee Meeting (Shoecraft)

**OTHER MEETINGS REPORTS:**

**III. APPOINTMENTS/REAPPOINTMENTS**

1. The term of Jeff Fortenberry to the District Energy Corporation will expire at the end of this year - need to name your appointment or reappointment for a two-year term before the end of the year (See Letter).
2. Memo from Jennifer Brinkman - RE: Boards and Commissions Upcoming Appointments (See Memo).

#### **IV. MEETINGS/INVITATIONS**

1. Nebraska's Trans-Mississippi Exposition of 1898 - Speaker: David Wells, Independent Historian from Omaha - PAL Brown Bag - Open to the Public - Noon, Tuesday, November 14, 2000 - at Museum of Nebraska History, 15<sup>th</sup> & "P" Streets - (See Invitation).
2. State Title Services, Inc. "Celebration 2000" - Please Be Our Guest For A Star Light Evening Of Food, Spirits, And Friends - Join Us As We Present "Broadway Rhythm" - (By Invitation Only) - at Embassy Suites in the Ballroom on Thursday, December 7, 2000 - 6:00 p.m., Cocktails & Hors D'oeuvres - RSVP to 434-5020 before November 30, 2000 (See Invitation).

#### **V. COUNCIL MEMBERS**

#### **VI. REQUESTS OF COUNCIL FROM MAYOR - NONE**

#### **VII. MISCELLANEOUS - NONE**

#### **III. ADJOURNMENT**

**Minutes**  
**City Council Members' "NOON" Meeting**  
**Monday, November 13, 2000**  
*CONFERENCE ROOM 113*

**Council Members Present:** Jerry Shoecraft, Chair; Jeff Fortenberry, Vice-Chair; Jon Camp, Jonathan Cook, Annette McRoy, Coleen Seng; **ABSENT:** Cindy Johnson,

**Others Present:** Ann Harrell, Mayor's Office; Dana Roper, City Attorney; Darrell Podany, Aide to Council Members Camp and Johnson; Karen Shinn, Aide to Council Member Fortenberry; Joan Ray, Council Secretary; Chris Hain, *Journal Star* representative.

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Mr. Shoecraft, Council Chair, requested a motion to approve the above-listed minutes. Coleen Seng moved approval of the minutes as presented. The motion was seconded by on Annette McRoy and the minutes were approved, as presented, by the following vote: **AYES:** Jonathan Cook, Annette McRoy, Jerry Shoecraft, Jeff Fortenberry, Coleen Seng, Jon Camp; **NAYS:** None; **ABSENT:** Cindy Johnson.

**II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES**

1. **PARKS & RECREATION ADVISORY BOARD** (Cook) Mr. Cook reported that the Advisory Board had approved the Elk - an elk sculpture to be placed at the entrance [to Pioneers Park] off of Van Dorn to compliment the Buffalo at the entrance to the Park off of Coddington. Ms. Seng asked if the statute would be bronze? Mr. Cook stated that he did not know what the final version would be, but felt the project would be very nice when completed.

Mr. Cook noted that they had also discussed golf fees and he had copies of the fee schedules to distribute to Council Members. He explained that these fees, as well as many other fees, were being approved by executive order; so he wanted to be sure Council Members had copies.

Mr. Cook further reported that they also reviewed the Park Guidelines and Recognition Policies. Then there was a community phone survey, but he had to leave the meeting during that discussion because he had to go to the Mayor's Neighborhood Roundtable where there was an item on the Agenda in which he was interested. He felt he would have to get further information on the survey and would get that back to the Council at a later time

2. ENTRYWAY CORRIDOR DESIGN COMMITTEE - PHASE 4 (Fortenberry) - Mr. Shoecraft noted that the Council had received a briefing on this issue today at a Pre-Council meeting.

3. LINCOLN PARTNERSHIP FOR ECONOMIC DEVELOPMENT (Fortenberry/ Shoecraft) - Mr. Shoecraft reported that he did not attend this meeting, or any of the meetings on his schedule since it had been a very hectic week for him.

4. ISPC (Fortenberry) - Mr. Fortenberry noted that he did not attend that meeting, but he did speak with Doug Thomas who stated that they chose Aliant as the new internet service provider for the City.

Along with their other partner companies, they got about \$138,000 worth of services from [inaudible]. The City may find itself on [inaudible]. That's the trade-off.

In addition, the Web Assistant idea is being pursued. Personnel [inaudible], those duties that will be assigned to whomever is chosen to do that for each Department.

5. DUPLEX LICENSING TASK FORCE (Johnson/McRoy) - The Task Force did not meet. They will be starting again this week.

6. BOARD OF HEALTH (Johnson) - Carry Over to November 20<sup>th</sup> Meeting.

7. OFFICIALS COMMITTEE MEETING (Shoecraft) Mr. Shoecraft did not attend.

OTHER MEETINGS REPORTS: - Ms. McRoy reported on a meeting, but her remarks were inaudible. She later came to Staff with a pre-council request for Liquor Zoning ideas. Mr. Shoecraft noted that Detective Fossler also wanted to brief Council on one of the Haymarket businesses for the potential of a show-cause hearing. Mr. Camp made comments which led to a brief discussion - all of which was inaudible.

Ms. McRoy added that they had discussed at this meeting the 72-Hour On-street Parking, rather than the current 24-Hour. She noted that some neighbors were concerned about that, stating that she had received three e-mails regarding the issue from constituents who were opposed to it.

She commented that the crime statistics haven't gone down in the area and there have been increases in some statistics. She noted that it hadn't been long enough, only a year, to draw any conclusions on the effectiveness of the program.

Ms. Seng commented that MAD DADS wanted to get the bikes [inaudible]. Ms. McRoy commented that they want to get the bicycles (that the Police have picked up) fixed up to give to needy kids. Mr. Shoecraft noted that they usually have to sell them at auction. MAD DADS was getting ready to give the bikes to schools to give to needy families for Christmas.

Ms. Seng reported that she had met with the three Mayors that were visiting Lincoln from El Salvador. She noted that they were here attending the Neighborhood Roundtable with Mayor Wesely. She told Council that Ann [Harrell] and Kathleen Sellman and Allan Abbott had talked with them as well. Ms. Seng encouraged any Council Members who might have the opportunity to participate in this event sometime to do so. She noted that it is a different experience when explaining the Lincoln, Nebraska City Council to visitors from other countries. They were very complimentary of our system and how we do things.

Ms. Seng related to Council that she had participated in this event two or three times and encouraged every Council Member to take part in this program if possible. Mr. Fortenberry asked how it worked, wondering if it was through the Mayor's International Friendship Committee. He asked if there was a director of that committee and wondered how it had evolved. Ms. Seng explained that people were trying to figure out some way to extend ourselves to international visitors. She noted that the visits are usually lined up through a federal governmental program. She noted that the visitors really take care of themselves.

**III. APPOINTMENTS/REAPPOINTMENTS** - Noted Without Comment

**IV. MEETINGS/INVITATIONS** - Noted Without Comment

## V. COUNCIL MEMBERS

**JONATHAN COOK** - Mr. Cook wanted to discuss having the Council Members' comments which are made in the Voting Session of formal Council meetings included in the minutes as part of the official record, noting that this isn't done right now. He had wanted the comments that he had made prior to the vote to be included in the minutes for future reference, so that he is not blamed for certain parts of this [Antelope Valley] project. Mr. Cook explained that Ms. Ross [Deputy City Clerk] had stated that, *at his request*, his comments would be included during the voting session. He asked if that is the way it should be done...when any individual Council Member wants his comments made during the voting session to be recorded in the meeting minutes as the official record, that Council Member would simply state that wish to the Clerk prior to the remarks. Mr. Cook felt that would be fine.

He asked, though, if Council would prefer that *all* comments on certain items be recorded. He thought there might be other Council Members who would be interested in having the comments they made during the Antelope Valley Voting Session recorded for future reference. He indicated that on this particular issue, anyone here who wants that done should let Ms. Ross know so.

Mr. Shoecraft recommended that since the remarks are on tape, if a Council Member wishes them transcribed, for whatever purpose - be it a future meeting or function, that can be done. That would save the Clerk's Office a little work since, Mr. Shoecraft noted, that some Council Members could be long-winded in their comments.

Mr. Camp suggested that perhaps there could be a sign-up sheet stating the Council Members' wishes regarding their comments during a voting session. Other Council Members felt it would be easiest to just state at the beginning of their comments that their wish is to have them included in the minutes as part of the formal record.

Mr. Fortenberry felt all of the Council Members should be recorded as due course. Mr. Roper stated that he would take a look at the issue. He explained that he was not sure that the "*Roberts' Rules of Order*" don't state that during a voting session, only the issue and the vote are to be recorded. He stated that he would check into this situation more thoroughly and see what the general 'practice of the trade' truly is.

Mr. Roper also mentioned to Council that, if they decide to start recording all of these comments, everyone will have to make sure that they choose their words carefully. A Council Member may make a joke during the voting session that is obviously a joke, but once it is transcribed and is laid out in black and white, it doesn't look like a joke. Then when we go to court, we're going to have to defend all of these remarks.

Mr. Roper noted, as far as he was concerned, if Council wants to have the remarks from the voting sessions recorded, he would prefer that the remarks be written out ahead of time and a copy handed to the Clerk; then we would know that the comments had been well thought out and there would be no placing the City in jeopardy

Mr. Camp made remarks which were inaudible. Mr. Roper's response was that the law is clear. The intent doesn't really matter, except that it can be used to muck up a law suit. Mr. Roper stated that it is a problem, but he would take a look into the matter.

Mr. Shoecraft proposed that for this time, each Council Member make the request on an individual basis to the City Clerk at the outset of the comments. This was agreed to by the Council.

**ANNETTE McROY** - Ms. McRoy stated that she wondered about a minor Council detail. She asked if the Council could have some kind of hot drink - outside of coffee at the meetings? She mentioned hot chocolate. Mr. Camp stated that he would vote for cider. Mr. Cook asked if little muffins would be available as well. Ms. McRoy stated that she was serious and noted that some of the staff would also like to see something else - besides the coffee.

This was discussed briefly, but no decision was made. [Coffee and water will continue to be served - when a decision is made as to what the added beverage should be, we will have it available for Council. In the meantime, we will have a carafe of hot water available if Council Members would like to bring tea bags or cocoa mixes; we will also order tea bags and cocoa mixes the next time supplies are ordered]

**CINDY JOHNSON** - Absent

**JERRY SHOECRAFT** - No Further Comments

**JEFF FORTENBERRY** - Mr. Fortenberry made brief comments on the upcoming Ashley Heights development. He noted that in a circumstance when you have a business, an established business, doing what they do based on their surrounding industrial zoning...you might be able to [the rest of Mr. Fortenberry's comments were inaudible]. Over time, those kinds of things can work out.

Mr. Cook stated that he could not figure out the Chamber of Commerce's roll in this. The Council discussed this at some length, however their comments were largely inaudible. Several Council members wondered why the Chamber of Commerce was not communicating. Mr. Fortenberry noted that the surveyor did not have his own equipment. Mr. Cook commented that the Chamber did not disclose to the Standard Meats people that this, in fact was the plan...just to their [inaudible]

**COLEEN SENG** - Ms. Seng asked Council if anyone else had received correspondence from Ms. Twilla Wilson. Ms. Wilson had expressed concern about ballot wording on some issue, though Ms. Seng did not know what issue. Ms. Ray explained that it was the Ambulance Issue, though Ms. Wilson's concerns extended to several other issues as well.

Mr. Shoecraft asked Mr. Roper if the City could, on future ballot issues for the City of Lincoln/Lancaster County, require that summaries be put at the bottom of each City issue to clarify the issue for the voter. Mr. Shoecraft asked Mr. Roper if the City Council could take that step, or is that something that someone else should initiate? Mr. Roper stated that he thought the City could do that now. Ms. Seng noted that all of the State issues had an explanation, but the City ballot issues did not. Mr. Shoecraft stated that it surely needs to happen.

Mr. Roper replied that he would check on that, but was uncertain as to *how* to summarize the issues. Mr. Shoecraft requested something simple such as: "A vote 'Yes' means this; a vote 'No' means that", noting that the ballot issues can be written in such a confusing manner that the average voter doesn't know what they're doing.

Ms. Harrell noted that in the Ambulance case, it should have been written "Shall the City of Lincoln establish an Ambulance Authority? - A vote Yes means it would; a vote No means it wouldn't".

Ms. Seng commented that she had come from her monthly meeting where there had been some elderly folks in attendance and they had complained that every *other* amendment had an explanation, except for the two City issues.

Mr. Shoecraft said that the City never has a summary of its issues on the ballot, noting that they never have.

Ms. McRoy stated that she had several people who, after reading the sample ballots, did not understand what the language meant. Mr. Shoecraft explained to Mr. Roper that it is confusing to the public and if they don't understand something, they don't vote for it, or their vote isn't cast as they truly intended to be. He stated that if they had the summary, they would be able to understand the issues, noting that in a couple of instances he had read the summary on the State issues which had provided clarification of things for him; he was sure that others had the same experience.

Mr. Shoecraft felt it was a good thing for the County and City to include summaries on their ballot issues. He stated that he did not see any harm in that. He noted that there is obviously a strategy behind the way ballot questions are written....or there could be.

Mr. Cook noted that for more contentious items, it might be tough to come up with explanatory language that could be agreed upon. It would be nice to try though, he added.

Ms. Harrell also wondered why the City Charter Amendments don't have numbers as identifiers. It would be easier to discuss them if there were some identifying indicator.



Mr. Shoecraft asked if the School Levy Override had a number? Ms. Harrell commented that no, it didn't because it was not an amendment of something such as the Charter.

Mr. Camp made comments that were inaudible. Mr. Cook wondered if the ballot issues couldn't be assigned some identifying number. Mr. Roper stated that he would check with the Election Commissioner, but he would assume that the City could assign numbers, because the Election Commission puts on the ballot what the City sends over; and he felt if the City wanted to call it anything, or assign any identifier to it, that could be done. Mr. Cook felt this would be nice. Mr. Camp noted that on the website, they were identified as Charter Amendment 1 and Charter Amendment 2.

Ms. Harrell agreed that an identifier would make discussion of the issues easier.

Ms. Seng made further comments, these regarding the Lincoln Lancaster County Homeless Coalition. She noted that the City Council was listed as a sponsor of the Coalition through the \$15.00 annual dues paid by the Council. She noted that she had attended the meetings on behalf of the Council for many years but could no longer do so; she offered that if anyone wished to pick this committee assignment up it would be fine with her.

Her question to Council was whether or not they wanted to continue the \$15.00 annual membership/support fee. Council agreed that this would be fine. Ms. Seng noted that the Coalition would love to have a Council Member in attendance at their meetings, but they understand the tight scheduling Council Members work with. She noted that Council is not required by law to attend the meetings.

**JON CAMP** - No Further Comments

**ANN HARRELL** - No Further Comments

**DANA ROPER** - No Further Comments

## **VI. REQUESTS OF COUNCIL FROM MAYOR** - None

**VII. MISCELLANEOUS** - Mr. Shoecraft passed out to Council the Opening Remarks for the Council Meetings. He noted that he would like their input on any ways that these remarks might be condensed. He requested that any suggestions any Council Member might have should be given to Staff and he would then look them over. There were several facetious suggestions presented, such as reading faster; having them put on the over-head; include "hissing" in the remarks regarding booing.

Mr. Shoecraft stated that it looks as though everything included needs to be stated. Ms. Seng mentioned that they could review the remarks since they *are* very long. Mr. Camp noted that since this is for those in attendance, we could have this posted at the entrance to the chambers. Mr. Cook made the observation that most of those in attendance know the rules.

Ms. Ray pointed out that the request regarding the turning off of communication devices could be posted on the Chamber door to eliminate that portion of the remarks. Mr. Camp commented that the final paragraph regarding the contacting of a Council member could be altered to send the constituents to the City's website.

**VIII. MEETING ENDED** - Approximately 12:45 p.m.